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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,203	07/05/2005	John Patchell	122-013 108895257US	2767
34845 7590 05/15/2007 McGUINNESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720			EXAMINER FAN, HONGMIN	
			ART UNIT 2612	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/521,203	<b>Applicant(s)</b> PATCHELL, JOHN	
	<b>Examiner</b> Hongmin Fan	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 34 is objected to because of the following informalities: the second antenna can not be claimed since there is not a first antenna being claimed in the claim 28; claim 34 should be changed to depending on claim 31. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28, 31-32, 33-35, 36-38, 39-41, 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Buckley et al (US 3879719).

As to claim 28, referring to Fig. 1, Buckley et al disclosed a intruder detection device having the claimed limitation, comprising a transmitter 4, a receiver 13-19 adapted to be located remotely from the transmitter aerial and to receive energy from the said transmitter, and signal processing means fed from the detector to operate an alarm when a predetermined form of received signal change occurs (col. 1, line 24-31), the transmitter and receiver being located at opposite sides or ends of an area to be protected (col. 1, line 46-48), clearly the area between the transmitter and receiver is path for humans (i.e. intruder) to pass.

As to claim 31-32 and 34-35, Buckley et al disclosed the transmitter aerial generates a flat beam and the flat beam may be located so as to traverse an area to be protected in either a horizontal or a vertical direction (i.e. polarized) (col. 2, Line 61 – col. 3, line 2). Further, referring to FIGS. 1 and 2, it will be seen that an aerial 1 consists of a number of dipoles (i.e. multiple antennas) (col. 2, line 37-38).

As claims 33, 36 and 39, referring to Fig. 1, the antenna is clearly a folded dipole antenna.

As to claim 37-38, the claim is interpreted and rejected as claim 31-31 and 34-35.

As to claim 40, the claim is interpreted and rejected as claim 31-31 and 34-35.

As to claim 41, the claim is interpreted and rejected as claim 31-31 and 34-35.

As to claim 43, referring to Fig. 1, Buckley et al disclosed a parabolic reflector 3 (col. 2, line 41), and one of ordinary skills in the art clearly recognizes that the reflector is commonly made of metallic material.

As to claim 44, Buckley et al disclosed the receiver detects not only a difference in amplitude but a rate of change of such difference (col. 2, line 59-61).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley et al, further in view of Pinneo et al (US 4413254).

As to claim 29, Buckley et al did not disclose the transmitter and receiver are each housed in a pedestal. However, it is well known in the art to have the transmitter and receiver each housed in a pedestal. Referring to Fig. 1-2, Pinneo et al teach a surveillance system comprises a transmitter and a receiver each housed in a pedestal. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to have the transmitter and receiver each housed in a pedestal since it is well known.

As to claim 30, referring to Fig. 2 of Pinneo, clearly the path between the pedestals is a lane.

Claims 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley et al in view of Monroe (US 6009356).

As to claim 42, Buckley et al did not disclose separate transmitters. However, it is well known in the art that additional transmitter provides redundancy. Referring to Fig. 5, Monroe teaches a communication system comprising a redundant transmitter (116b). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use separate transmitter in Buckley's device in order to provide redundancy.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley et al in view of Grisham et al (US Pub. 2003/0058131).

As to claim 45, Buckley did not disclose both the phase and amplitude of the received signal are used. However, it is well known in the art to utilize both the phase and amplitude of the received signal. Grisham et al teach a detection system in which the received signal is a sum of a large number of sine waves of random amplitude and phase (§ 0109, line 1-4). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to utilize both the phase and amplitude of the received signal in Buckley's device since it is well known in the art.

Claims 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley et al in view of Davis et al (US 7061383).

As to claim 46, Buckley et al did not disclose a plurality of the detection devices. However, it is well known in the art when multiple lanes are in need, a plurality of the devices of Buckley can be used. Davis et al teach a radio frequency check-in system comprising multiple lanes with detection device in each lance, shown in Fig. 2. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use plurality of the detection devices of Buckley's in order to control multiple passages.

Claims 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley et al in view of Fufido et al (US 6720874).

As to claim 47, Buckley et al did not disclose a people-counting system. However, it is well known in the art to use a detection system for counting people. Referring to Fig. 1, Fufido et al teach an intrusion detection apparatus comprising a counter for counting passage of people (col. 12, line 24-25). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use the Buckley's device to count people since it is well known.

As to claim 48, referring to Fig. 1 Fufido et al further teach a video camera 22.

As to claim 49, referring to Fig. 1 Fufido et al further teach a detector 16 comprises a passive infrared detector for detecting the heat radiated by all bodies and objects and thus determining the presence of an individual or object within the proximate zone (col. 5, line 19-23).

As to claim 50, Fufido et al further teach the passive infrared (IR) detector 32 includes an adjustable sensitivity and distance setting (i.e. distance sensing) (col. 6, line 43-44).

As to claim 51, the claim is interpreted and rejected as claim 48.

Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley et al in view of Fufido et al, further in view of Gutta et al (US 6812846).

As to claim 52, neither Buckley et al in nor Fufido et al disclose a stereo video. However, it is well known in the art to use stereo vide to monitoring a scene in order to gather 3-D information. Gutta et al teach a surveillance system comprising stereo camera arrangement may be used to gather three-dimensional information about a

Art Unit: 2612

scene (col. 5, line 63-65). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use a stereo vide in Buckley's device in order to monitor a scene in order to gather 3-D information.

Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley et al in view of Robinson (4591854).

As to claim 53, Buckley did not disclose a capacitance sensor. However, it is well known in the art to use a capacitance sensor in access control setting. Robinson teaches a control system comprising a switch 62 (i.e. capacitance sensor) to sense the presence of the user's fingers (col. 3. line 59-61). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to incorporate a capacitance sensor in Buckley's device in order to detect the present of a person.

Claims 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley et al in view of Gagnon (US 6252507).

As to claim 54, Buckley et al did not disclose using spread spectrum signal. However, it is well known in the art to use spread spectrum signal in intrusion detection system. Gagnon teaches an intrusion detection system comprising spread spectrum (col. 2, line 23-26). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use spread spectrum in Buckley's device in order to provide more interference resistance.



### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Price disclosed an intrusion detection system using radio frequency (US 5049858).

Woode disclosed an intrusion sensor using radio frequency (US 4191953).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hongmin Fan whose telephone number is 571-272-2784. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2612

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